

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

MY CANARY LLC, et al.,

Plaintiffs,

v.

CESSNA AIRCRAFT COMPANY, et al.,

Defendants.

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CIVIL ACTION NO. 14-5030 (MLC)

**MEMORANDUM OPINION**

**THE COURT** has ordered the parties to show cause why this action should not be transferred to, among other places, the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. § 1404(a) (“Section 1404(a)”) . (See *dk.* 40.) The Court assumes that the parties are familiar with the contents of the Order to Show Cause, and thus the Court will not repeat the facts or the legal arguments set forth therein. (Id. at 1–6.) The Court has reviewed the responses of the parties. (See *dk.* 42; *dk.* 42-1; *dk.* 43; *dk.* 44.)

**THE COURT** intends to transfer this action pursuant to Section 1404(a) to the Northern District of Illinois for several reasons. The plaintiffs — My Canary LLC (“MCLLC”), Chicago Aviation, Inc. (“CHAI”), and Richard Bodee — are all deemed to be Illinois citizens. (See *dk.* 30 at 1–2.) In addition, Bodee and CHAI are based only in the region served by the Northern District of Illinois. (Id. at 2.)

**FURTHERMORE**, a fair amount of the conduct underlying the claims in this action occurred in connection with Illinois. (See dkt. 42 at 6; dkt. 44 at 4.) Bodee and CHAI were contacted in Illinois by MCLLC. (See dkt. 30 at 4.) Bodee and CHAI contacted the defendant SusieAir, LLC (“SALLC”) from Illinois through its owner — the defendant Scott Bender — about buying the airplane at issue (“Airplane”). (Id.) The negotiations concerning the purchase of the Airplane were conducted through Bodee in Illinois. (See dkt. 17-1 at 12–13; dkt. 17-2 at 2; dkt. 33-1 at 9 & 13–14; dkt. 33-2 at 2.) The plaintiffs also assert that the defendants violated the Illinois Consumer Fraud Act in failing to consummate a deal concerning the purchase of the Airplane. (See dkt. 30 at 22–24; dkt. 42 at 8.)

**THE NORTHERN DISTRICT OF ILLINOIS** would appear to be the more proper venue for this action. For good cause appearing, the Court will issue an appropriate order.

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge

**Dated:** March 31, 2016